



March 13, 2020

Tena Seeds, PE  
Site Manager  
NWRO Toxics Cleanup Program  
3190 160<sup>th</sup> Ave. SE  
Bellevue, WA 98008-5452

RE: Response to Notice of PLP Status – 615 Dexter Avenue North, Seattle

Dear Ms. Seeds:

The City of Seattle (City) received your letter dated January 15, 2020 addressed to Sam Zimbabwe, Director of Seattle Department of Transportation (SDOT), regarding Ecology's proposal to find the City liable under MTCA at 615 Dexter Ave N, Seattle WA 98109 (Dexter Parcel). That letter alleges that the City is a potentially liable person (PLP) for the Dexter Parcel based on its status as owner/operator of the property.

The City does not dispute that it is the current owner of the Dexter Parcel. However, the contamination located at the Dexter Parcel did NOT result from activities or operations conducted by the City of Seattle. The Dexter Parcel is contaminated from historic business uses on or in proximity to the parcel. The City did not own, operate or control those historic business operations. These proximate former uses include operations such as former gasoline service stations.

Shannon & Wilson conducted a *Phase I Environmental Site Assessment for the Mercer Corridor Project West 615 Dexter Avenue North Site*, dated January 25, 2018, researching the historic activities/operations on the Dexter Parcel. The Dexter Parcel encompasses approximately 0.56-acre and consists of King County Parcel 2249000120. The parcel is addressed as 615 Dexter Avenue North per the King County online Parcel Viewer. The City of Seattle purchased the property in August 1971 and March 1972 for a roadway project, which was not constructed.

To assist in understanding the configuration and surroundings of the Dexter Parcel, three aerial photographs are attached for your review:

- (a) Vicinity map;
- (b) Phase I Site Plan; and
- (c) Phase I Historical Features of Concern.

These photographs illustrate the location of the likely sources of the contamination at the Dexter Parcel – the previous gas station located just south of the Dexter Parcel (across the alley) and four underground storage tanks (USTs) located in the alley. The gas station was built in 1930 and operated into the early 1940s. The USTs were likely installed when the building was expanded to cover the eastern portion of the property in 1945, when the northern portion of the building was also being constructed. According to a Seattle Fire Department report which documented that the tanks were emptied and cleaned in 1997, three of the USTs contained heating oil and one UST contained bunker

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fuel. The current status of the tanks is unknown.

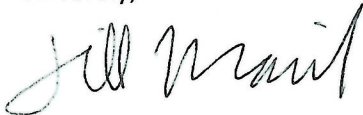
Soil and groundwater samples were collected as part of Shannon & Wilson's *Limited Phase II Environmental Site Assessment Mercer Corridor West Expansion 615 Dexter Avenue North* investigation, dated June 8, 2017. Gasoline range petroleum concentrations were encountered above MTCA Method A cleanup levels in soil and groundwater in the south side of the lower parking lot. This area is near the historical gas station on the adjacent parcel to the south, which is the likely source of this contamination. Although the status of the nearby USTs is unknown, they are a potential source of this contamination as well. In short, the property has a history of potentially contaminating operations long before the City acquired the property.

This information demonstrates that the City's ownership and operation of the Dexter Parcel did not cause or contribute to the contamination that is located at the Parcel. Therefore, the City believes that analysis and consideration of the applicable MTCA equitable factors will conclude that parties other than the City carry far greater responsibility for the contamination at the Dexter Parcel.

The City understands that as the owner of contaminated property, the City is a potentially liable person under MTCA. However, based on the foregoing facts and equitable factors, the City believes that entities and operations other than the City's will be found to be substantially liable for remedial action costs.

The City appreciates the opportunity to explain its position on this matter.

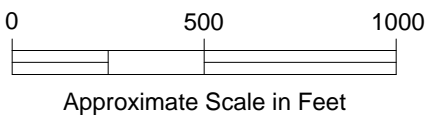
Sincerely,



Jill Macik  
Interim Environmental Services Manager  
Seattle Department of Transportation

#### Attachments

cc: Julius Rwamashongye, Seattle Department of Transportation  
Sam Spencer, Seattle Department of Transportation  
Steven Shain, Seattle City Budget Office  
Tad Shimazu, Seattle City Attorney's Office



NOTE

Map adapted from aerial imagery provided by Google Earth Pro, reproduced by permission granted by Google Earth™ Mapping Service.

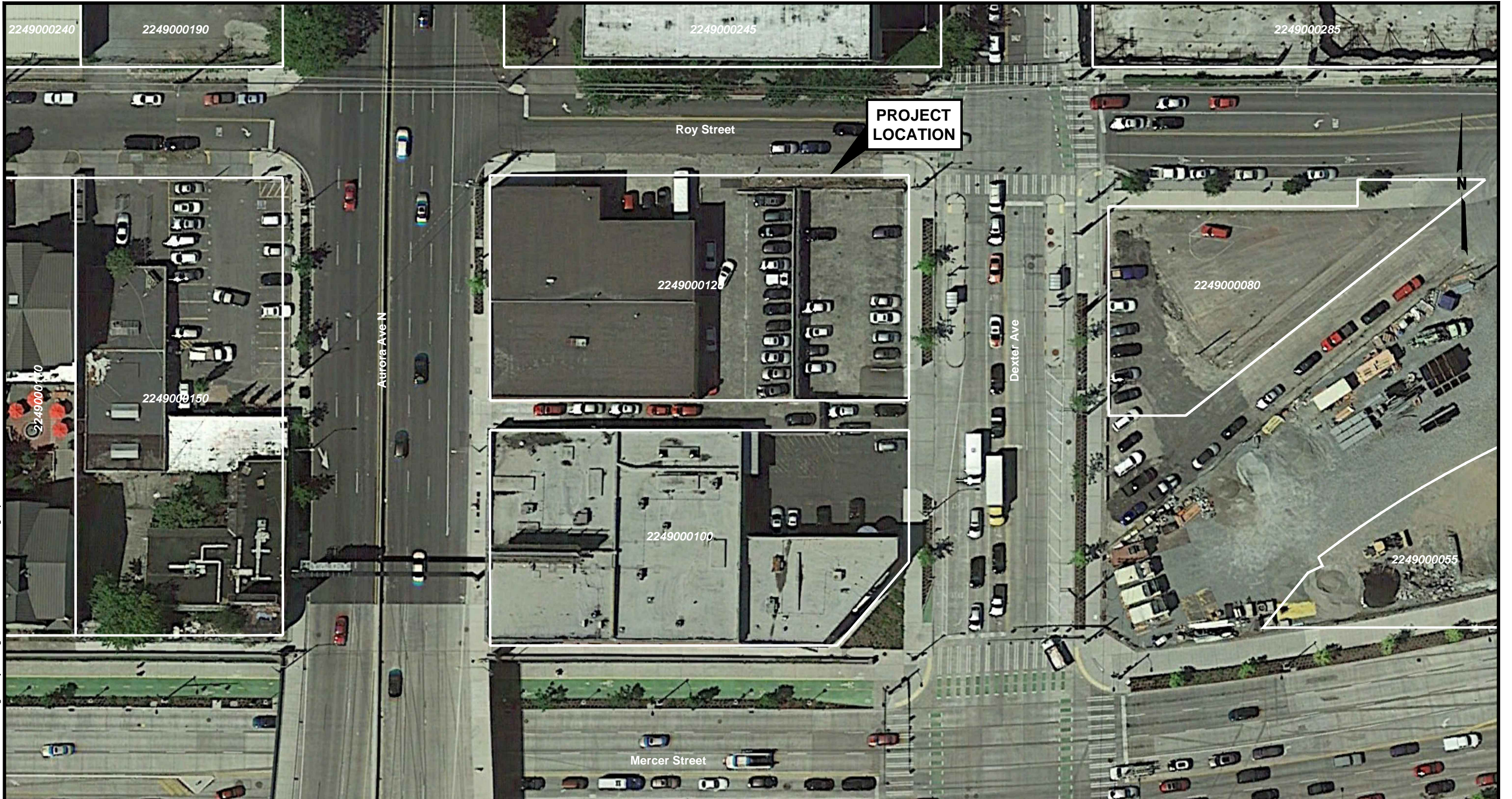
Mercer Corridor Project  
615 Dexter Ave N  
Seattle, Washington

**VICINITY MAP**

January 2018 21-1-21417-207



**FIG. 1**

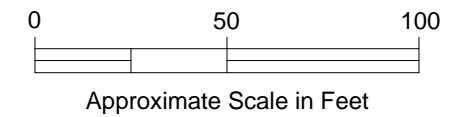


NOTES

1. Parcel boundaries are approximate.
2. Map adapted from aerial imagery provided by Google Earth Pro, reproduced by permission granted by Google Earth™ Mapping Service.

LEGEND

2249000120 King County Parcel Number

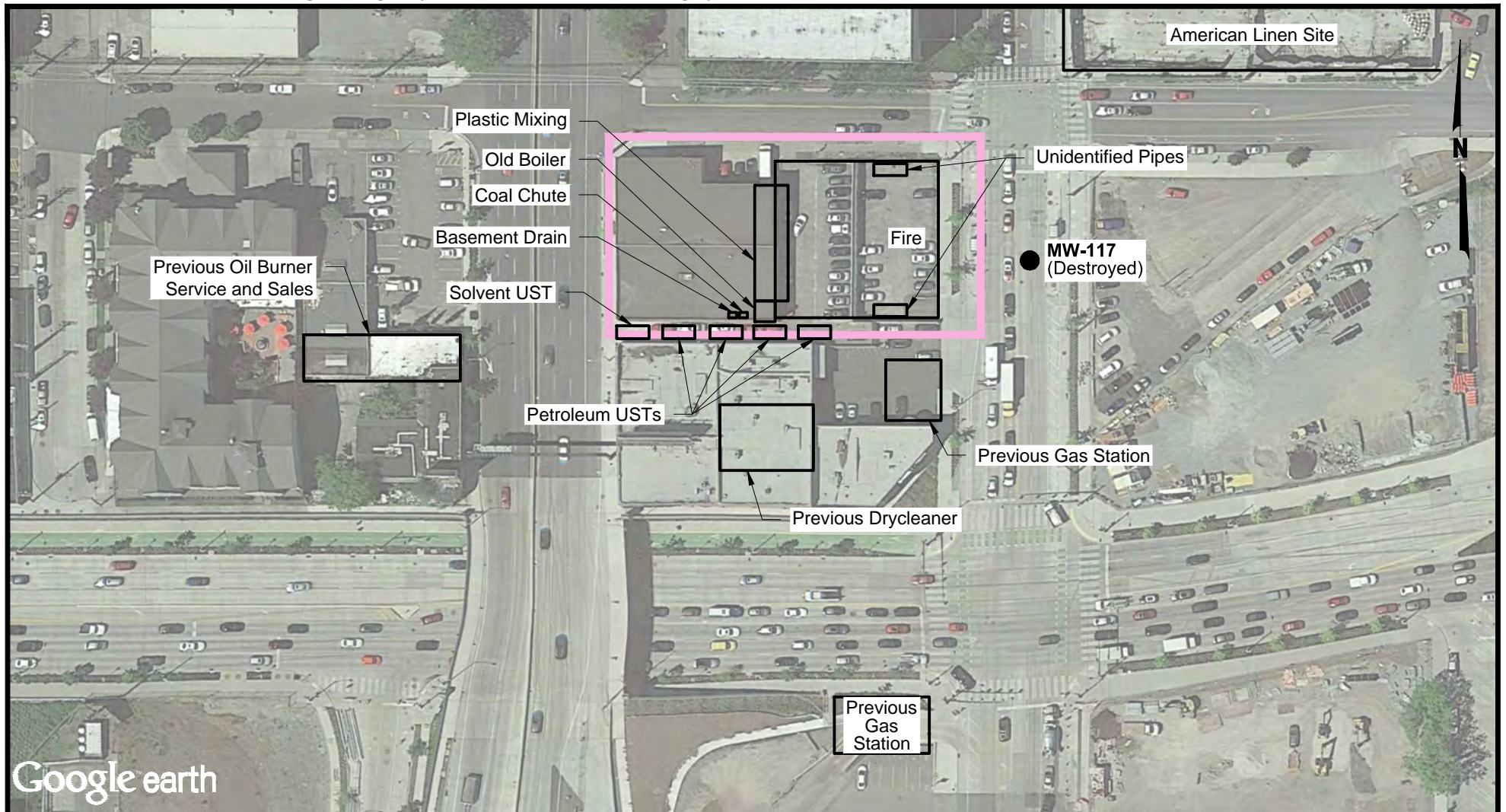


Mercer Corridor Project  
615 Dexter Ave N  
Seattle, Washington

**SITE PLAN**

January 2018

21-1-21417-207



Google earth

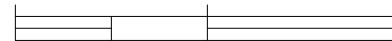
LEGEND

 615 Dexter Avenue North Site

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0 100 200



Scale in Feet

Mercer Corridor Project  
615 Dexter Ave N  
Seattle, Washington

**HISTORICAL FEATURES  
OF CONCERN**

January 2018

21-1-21417-207

**SHANNON & WILSON, INC.**  
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

**FIG. 3**

**FIG. 3**